THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.19425 of 2005

Dated: 22.11.2007

Between:

Afiza Begum and another.

…Petitioners.

and

The Regional Manager, APSRTC, Nalgonda District, and another.

…Respondents.

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.19425 of 2005

ORDER:

This Writ Petition is filed seeking a *Mandamus* declaring the action of the respondents in not considering the case of the 2nd petitioner for appointment to the post of Conductor/Cleaner/Attender/ Shramic/Sweeper or any other suitable post on compassionate grounds, as arbitrary and illegal and for a consequential direction to the respondents to appoint the 2nd petitioner in any of the suitable posts on compassionate grounds.

It appears, the husband of the 1st petitioner, namely late S.K.Tajuddin, was appointed as a Driver in the respondent-Corporation. He worked for a period of 20 years and died in harness on 10.10.1993, while working in the 2nd respondent - Bus Depot. The 1st petitioner made a representation to the 1st respondent on 10.12.1994 for providing employment on compassionate grounds. However, there was no response, and ultimately, she was informed that as on 01.05.1995 there were no vacancies and her name was incorporated in the seniority list, which was being maintained by the

respondents, as per the judgment of a Division Bench of this Court. Further, it was informed that she will be provided with employment as per the seniority list of the dependants of the deceased persons, as and when vacancies arise. Since there were no vacancies of Helper or Office Boy, the 1st petitioner could not get opportunity to be appointed on compassionate grounds. Therefore, the 2nd petitioner, who is son of the deceased, and who qualified in S.S.C. and ITI Diesel Mechanic, made representations to the respondents in the year 2000 and again on 10.12.2001 to consider his case to any suitable post, since he was a minor at that point of time. The grievance of the petitioners is that, in spite of several representations and though they approached the respondents personally in that regard, there was no reply from the respondents.

A detailed counter-affidavit is filed denying several allegations made by the petitioners, including the one that the name of the 1st petitioner was incorporated in the seniority list, which was maintained by the respondents. In fact, she did not submit any application for her appointment on compassionate grounds to the post of Shramic or Helper or to any other post within three years from the date of death of her husband i.e., 10.10.1993. Further, the 2nd petitioner was a minor at the time of death of his father and he applied only in the year 2000. Therefore, his claim was barred by limitation. It is also stated that only three years time is allowed for a minor to attain the age of majority for the purpose of considering his case on compassionate grounds, in case of death in harness. Therefore, the case of the 2nd petitioner also could not be considered.

From the above, it is clear that the 1st petitioner did not apply within three years from the date of death of her husband and the 2nd petitioner applied after more than 7 years for considering his case on compassionate grounds, after attaining the age of majority. It appears, had the petitioner attained the age of majority within three

years from the date of death of his father, his case would have considered, but in a case of compassionate appointment, the department under the scheme cannot wait for uncertain period.

In the circumstances, it cannot be said that the respondents have committed any error in rejecting the case of the 2nd petitioner for being appointed on compassionate grounds in the Corporation.

The writ petition is devoid of any merit and it is accordingly dismissed. However, this will not preclude the petitioners from claiming additional monetary benefits, in lieu of compassionate appointment, as per the scheme available in the Corporation. There shall be no order as to costs.

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C.V.RAMULU, J

Dated:22.11.2007

GJ